

schneider, marchant

From: Brown, Ron
Sent: Monday, March 29, 2010 12:22 PM
To: schneider, marchant
Subject: Supplemental - Loudoun Water SPEX09-20,-33 031710za-rb
Attachments: Loudoun Water SPEX09-20,-33 031710za-rb.docx

See if this works. I added a new sentence in #5 and an additional clause in #6. rb

SPEX 2009-0020, SPEX 2009-0033, SPMI 2009-0009
LOUDOUN WATER – WATER STORAGE
CONDITIONS OF APPROVAL
(February 4 March 17, 2010)

E-mailed to Mrchnt
032910 11:59

1. **Substantial Conformance.** The proposed Special Exception uses and Minor Special Exception uses modification set forth below in Condition 2, ~~water storage tank~~, shall be developed in substantial conformance with Sheet 1, Sheet 4, Sheet 5, and Sheet 6 (together comprising and herein referred to as the "Special Exception Plat") of the plan set entitled Special Exception / Commission Permit, SPEX 2009-0020, CMPT 2009-0006, SPEX 2009-0033, SPMI 2009-0009, Loudoun Water: Quarry A Water Storage Facility, prepared by Urban, Ltd., dated April 2009, revised through January 08, 2010 (the "Plans") and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Approval of this application for Tax Map /61/////////29/ (PIN# 114-25-6156) (the "Property"), shall not relieve the applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Uses Permitted.** Approval of the Special Exceptions and Minor Special Exception uses grants 1) ~~SPEX 2009-0020 for approval of the quarry area for water storage under the general use "Water storage tank" (SPEX 2009-0020) as set forth in the Revised 1993 Loudoun County Zoning Ordinance, in the MR-HI (Mineral Resource – Heavy Industrial) Zoning District. This Special Exception specifically approves the storage of up to one (1) billion gallons of water in Quarry A once the stone quarrying use approved by SPEX 1971-0005, Leesburg Stone Corporation, has ceased;~~ 2) ~~SPEX 2009-0033 for approval under the general use "structures or uses required for the operation of a public utility" in the Floodplain Overlay District (SPEX 2009-0033);~~ and 3) ~~SPMI 2009-0009 for modification of the Type Four (4) Buffer Yard required by Section 5-621(B) as set forth in Condition 6- Buffer Area below (SPMI 2009-0009).~~ The [AML1] uses approved in SPEX 2009-0020 and SPEX 2009-0033 are approved shall This Special Exception applies only to for that area of the Property shown on Sheet 4, and Sheet 5, and Sheet 6 as lying within the bold, single-dash lines and labeled as "Limits of SPEX" (1,512,121.93 S.F. or 34.71 ac.)" (the "Special Exception Area").
3. **Period of Validity.** ~~The Special Exceptions and Minor Special Exception uses~~ The special exception permit for water storage tank use shall be valid for a period of fifteen (15) years from the date on which the Special Exceptions and Minor Special Exception are use is approved. ~~[The above language is based on the text of Section 6-1313(a). The Applicant has requested alternative language be considered: "The period of validity for the sSpecial eException and Minor Special Exception uses permit for the water storage tank shall be a period of fifteen (15) years from the date on which the Special Exception use is approved".]~~ [AML2]
4. **Floodplain Study.** The Applicant shall complete a floodplain study for the Property in accordance with the Zoning Ordinance and Facilities Standards Manual (FSM).

The Floodplain Study shall be approved by the County prior to first site plan approval for any use approved pursuant to the Special Exception Use SPEX 2009-0020 or SPEX 2009-0033.

5. **Fencing.** Prior to first zoning permit approval for any use approved pursuant to the water storage tank use SPEX 2009-0020 or SPEX 2009-0033, the Applicant shall install a black vinyl or similarly coated chain link fence at least ten feet (10') in height along the perimeter of the Special Exception Area as shown on Special Exception Plat Sheets 4-6 ~~54[AML3]~~. The said fence is not required to be opaque since the minimum opacity of 95% required for Type 4 Buffer Yards per Table 5-1414(B) as applied to the subject Property per 5-621(B) is intended to be achieved per the requirements of Condition 6 below.
6. **Buffer Area.** Prior to ~~or in conjunction with~~ first site plan approval for any use approved pursuant to SPEX 2009-0020 or SPEX 2009-0033 ~~the Special Exception use,~~ the Applicant shall supplement existing vegetation to achieve seven (7) acres of tree canopy cover within the hatched area shown on Special Exception Plat Sheet 4 ("Quarry Buffer Exhibit"). The size, amount, and species of the supplemental plantings shall be determined in consultation with the County Urban Forester in order to achieve the equivalent of a minimum opacity of 95% as would be required for a Type 4 Buffer Yard per Table 5-1414(B) as applied to the subject Property per 5-621(B). The ~~a~~Applicant shall utilize native species for new plant material, as determined in consultation with the County Urban Forester, to the maximum extent possible. All required supplemental plantings shall be depicted upon and bonded with the said first site plan.
7. **Lighting.** Site lighting shall conform to Section 5-1500 of the ~~Revised 1993 Loudoun County Zoning Ordinance~~ and Sections 7.110 and 7.120 of the FSM and the following:
 - a. **Light Fixtures.** Lighting fixtures associated with the use approved pursuant to the Special Exception use SPEX 2009-0020 shall be full cutoff and fully shielded and shall direct light downwards and into the interior of the water tank storage area and away from surrounding public roads and properties. Said lighting shall meet the requirements of the FSM, unless otherwise required by law, ordinance, or regulation.
 - b. **Height of Light Fixtures.** The mounting height of any light fixture shall not exceed 20 feet. Height shall be measured from the ground to the bottom of the light fixture.
8. **Vehicular Access.** Vehicular Access to the Special Exception Area shall be limited to the Access road ("Ex. Jackpit Lane") shown on the Special Exception Plat. In the event the Property Owner or Virginia Department of Transportation (VDOT) seek to

relocate or close Jackpit Lane to facilitate improvements to Belmont Ridge Road (Route 659), the Applicant shall be permitted to relocate the Access road between Route 659 and the Special Exception Area, upon written approval of the Zoning Administrator and approval by VDOT, if required. Should the Access road be relocated following subsequent to site plan approval for any use approved pursuant to SPEX 2009-0020 or SPEX 2009-0033, a new site plan shall be submitted for approval. In [AML4] no case event shall the Applicant or successors access the Special Exception Area from by means of the existing tunnel underneath the W&OD Trail or the any existing Vehicular access to the Special Exception use shall not be permitted from paved driveway crossings of the W&OD Trail, located to the south of adjacent to the Property.

- 8.9. **Previous Special Exception Conditions:** Upon commencement of SPEX 2009-0020 for the water storage use pursuant to SPEX 2009-0020, the conditions of approval of SPEX 1971-0005, Leesburg Stone Corporation, as they apply to the subject Property, shall become null and void.

[AML5]

schneider, marchant

From: Brown, Ron
Sent: Monday, March 29, 2010 12:00 PM
To: schneider, marchant
Subject: Loudoun Water SPEX09-20,-33 031710za-rb
Attachments: Loudoun Water SPEX09-20,-33 031710za-rb.docx

Marchant - Here are the conditions with my suggested edits. Please call if you have any questions. Ron x0511

SPEX 2009-0020, SPEX 2009-0033, SPMI 2009-0009
LOUDOUN WATER – WATER STORAGE
CONDITIONS OF APPROVAL
(February 4/March 17, 2010)

1. **Substantial Conformance.** The proposed Special Exception uses and Minor Special Exception uses ~~modification set forth below in Condition 2, water storage tank,~~ shall be developed in substantial conformance with Sheet 1, Sheet 4, Sheet 5, and Sheet 6 (together comprising and herein referred to as the "Special Exception Plat") of the plan set entitled Special Exception / Commission Permit, SPEX 2009-0020, CMPT 2009-0006, SPEX 2009-0033, SPMI 2009-0009, Loudoun Water: Quarry A Water Storage Facility, prepared by Urban, Ltd., dated April 2009, revised through January 08, 2010 (the "Plans") and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Approval of this application for Tax Map /61111111/29/ (PIN# 114-25-6156) (the "Property"), shall not relieve the applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Uses Permitted.** Approval of the Special Exceptions and Minor Special Exception uses grants ~~1) SPEX 2009-0020 for approval of the quarry area for water storage under the general use "Water storage tank" (SPEX 2009-0020) as set forth in the Revised 1993 Loudoun County Zoning Ordinance, in the MR-HI (Mineral Resource – Heavy Industrial) Zoning District. This Special Exception specifically approves the storage of up to one (1) billion gallons of water in Quarry A once the stone quarrying use approved by SPEX 1971-0005, Leesburg Stone Corporation, has ceased; 2) SPEX 2009-0033 for approval under the general use "structures or uses required for the operation of a public utility" in the Floodplain Overlay District (SPEX 2009-0033); and 3) SPMI 2009-0009 for modification of the Type Four (4) Buffer Yard required by Section 5-621(B) as set forth in Condition 6- Buffer Area below (SPMI 2009-0009). The [AML1] uses approved in SPEX 2009-0020 and SPEX 2009-0033 are approved shall~~ This Special Exception applies only to for that area of the Property shown on Sheet 4, and Sheet 5, and Sheet 6 as lying within the bold, single-dash lines and labeled as "Limits of SPEX" (1,512,121.93 S.F. or 34.71 ac.)" (the "Special Exception Area").
3. **Period of Validity.** ~~The Special Exceptions and Minor Special Exception uses~~ The special exception permit for water storage tank use shall be valid for a period of fifteen (15) years from the date on which the Special Exceptions and Minor Special Exception are use is approved. ~~[The above language is based on the text of Section 6-1313(a). The Applicant has requested alternative language be considered: "The period of validity for the sSpecial eException and Minor Special Exception uses permit for the water storage tank shall be a period of fifteen (15) years from the date on which the Special Exception use is approved".]~~ [AML2]
4. **Floodplain Study.** The Applicant shall complete a floodplain study for the Property in accordance with the Zoning Ordinance and Facilities Standards Manual (FSM).

The Floodplain Study shall be approved by the County prior to first site plan approval for any use approved pursuant to the Special Exception Use SPEX 2009-0020 or SPEX 2009-0033.

5. **Fencing.** Prior to first zoning permit approval for any use approved pursuant to the water storage tank use SPEX 2009-0020 or SPEX 2009-0033, the Applicant shall install a black vinyl or similarly coated chain link fence at least ten feet (10') in height along the perimeter of the Special Exception Area as shown on Special Exception Plat Sheets 4-6 ~~54~~ [AML3].
6. **Buffer Area.** Prior to ~~or in conjunction with~~ first site plan approval for any use approved pursuant to SPEX 2009-0020 or SPEX 2009-0033 the Special Exception use, the Applicant shall supplement existing vegetation to achieve seven (7) acres of tree canopy cover within the hatched area shown on Special Exception Plat Sheet 4 ("Quarry Buffer Exhibit"). The size, amount, and species of the supplemental plantings shall be determined in consultation with the County Urban Forester. The ~~a~~Applicant shall utilize native species for new plant material, as determined in consultation with the County Urban Forester, to the maximum extent possible. All required supplemental plantings shall be depicted upon and bonded with the said first site plan.
7. **Lighting.** Site lighting shall conform to Section 5-1500 of the Revised 1993 Loudoun County Zoning Ordinance and Sections 7.110 and 7.120 of the FSM and the following:
 - a. **Light Fixtures.** Lighting fixtures associated with the use approved pursuant to the Special Exception use SPEX 2009-0020 shall be full cutoff and fully shielded and shall direct light downwards and into the interior of the water tank storage area and away from surrounding public roads and properties. Said lighting shall meet the requirements of the FSM, unless otherwise required by law, ordinance, or regulation.
 - b. **Height of Light Fixtures.** The mounting height of any light fixture shall not exceed 20 feet. Height shall be measured from the ground to the bottom of the light fixture.
8. **Vehicular Access.** Vehicular Access to the Special Exception Area shall be limited to the Access road ("Ex. Jackpit Lane") shown on the Special Exception Plat. In the event the Property Owner or Virginia Department of Transportation (VDOT) seek to relocate or close Jackpit Lane to facilitate improvements to Belmont Ridge Road (Route 659), the Applicant shall be permitted to relocate the Access road between Route 659 and the Special Exception Area, upon written approval of the Zoning Administrator and approval by VDOT, if required. Should the Access road be relocated followingsubsequent to site plan approval for any use approved pursuant

to SPEX 2009-0020 or SPEX 2009-0033, a new site plan shall be submitted for approval. In [AML4] no case event shall the Applicant or successors access the Special Exception Area from by means of the existing tunnel underneath the W&OD Trail or the any existing Vehicular access to the Special Exception use shall not be permitted from paved driveway crossings of the W&OD Trail, located to the south of adjacent to the Property.

- 8.9. **Previous Special Exception Conditions.** Upon commencement of SPEX 2009-0020 for the water storage use pursuant to SPEX 2009-0020, the conditions of approval of SPEX 1971-0005, Leesburg Stone Corporation, as they apply to the subject Property, shall become null and void.

[AML5]

schneider, marchant

From: schneider, marchant
Sent: Thursday, March 18, 2010 3:59 PM
To: Brown, Ron
Cc: schneider, marchant
Subject: FW: Request for SPEX Conditions Review - SPEX 09-20, Loudoun Water - Water Storage
Attachments: CONDITIONS(DRAFT) 02-04-10_zoning comments.docx; SPEX PLAT 01-08-10.pdf; BOSPH STAFF REPORT (draft) 04-12-10.docx

Hi, Ron.

The above-mentioned application has been scheduled for the April 12 BOS public hearing.

I've attached draft conditions of approval with Word "track changes" edits/comments from Zoning. Amy Lohr also provided several email comments (see below)

The executive summary is listed below. I've also attached a copy of the plat revised through January 8, 2010 and the draft BOS staff report. I will provide hard copies of the Conditions and Plat as well.

Thank you for your assistance!

Marchant

EXECUTIVE SUMMARY - CMPT 2009-0006, SPEX 2009-0020, SPEX 2009-0033, SPMI 2009-0009 (Loudoun Water – Water Storage)

Loudoun County Sanitation Authority (d/b/a/ Loudoun Water) has submitted Special Exception and Commission Permit applications to permit conversion of Luck Stone Quarry "A" to a public water storage tank in the MR-HI (Mineral Resources – Heavy Industrial) zoning district. Because part of the quarry lies within the 100-year floodplain, the Applicant has also requested a Special Exception to permit operation of a public utility within the Floodplain Overlay District (FOD). The applicant has also submitted a Minor Special Exception application to substitute existing vegetation for the minimum Type 4 Buffer Yard required for public utilities. Quarry "A" will be converted to a water storage tank following completion of mining operations (2017-2020). A water intake at River Creek will draw water from the Potomac River during times of normal to high water flow and then pump the raw water to the quarry. Water will be drawn from the quarry as necessary to meet the demands of the Central Water Supply System and treated at a proposed water treatment facility east of Goose Creek (SPEX 2009-0021) prior to being pumped into the water distribution system.

The area of the proposed special exceptions is an approximately 35 acre portion of an 80.61 acre parcel. The area is governed by Revised General Plan policies for the Suburban Policy Area (Ashburn Community) which designate this area for Extractive Industry uses. The use also requires a Commission Permit in accordance with Section 6-1101.

From: Lohr, Amy
Sent: Wednesday, March 17, 2010 10:52 AM
To: schneider, marchant
Cc: Seigfried, Marilee; Ferrall, Diane; Glass, Susan
Subject: RE: Request for SPEX Conditions Review - SPEX 09-20, Loudoun Water - Water Storage

Marchant,

Attached please find the Zoning Division's suggested edits to the draft conditions related to the subject case.

Additionally, I have four other comments:

1. Limits of the Quarry Overlay. The quarry overlay will need to be re-mapped once this property is no longer used for Quarrying. Typically, the County is responsible for initiatives that expand/change the overlay districts. This case is a little different, in that we'll be changing the designation of the property from "Luck quarry" to "Luck note area". Then, the "Luck note area" will also decrease, since the quarry area decreases. We should probably consult with the Co. Attorney's office on this matter.
2. The applicant should revise note 7, which appears on both sheets 5 and 6, to be consistent with whatever condition 8 ultimately says. Or, simply delete these notes and let condition 8 stand on its own.
3. Section 5-1400 table. On sheet 3, this table has been revised. I suggest the prior language on the plat dated 10-13-09 be used.
4. On sheet 4, delete the parking label, or show the whole label. It's a little confusing since the label is cut off.

Thanks,
Amy